

REMARKS

Claims 3-6, 8-11 and 13-31 were pending in the application.

Claims 6, 10, 11 and 13-21 have been allowed.

Claims 9, 22, 28 and 31 have been rejected.

Claims 3-5 and 8 have been objected to.

Claims 6, 9, 22 and 28-31 have been canceled.

Claims 3-5, 8, 10, 11, 13-21 and 23-27 are now pending in the application.

I. DOUBLE PATENTING

Claims 9 and 28 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1 and 17 of co-pending U.S. Patent Application No. 10/540,791 (hereinafter "the '791 Application) in view of U.S. Patent No. 6,177,906 to *Petrus* (hereinafter "Petrus").

By the above amendments to the claims, the Applicants have canceled Claims 9 and 28. Accordingly, the Applicants respectfully request that the double patenting rejection be withdrawn.

II. REJECTION UNDER 35 U.S.C. § 103

Claims 9, 22 and 28-31 were rejected under 35 U.S.C. § 103 as being unpatentable over Applicant's admitted prior art (specification, page 2, line 6 – page 3, (hereinafter "AAPA") in view of U.S. Patent No. 7,130,365 to *Li* (hereinafter "Li"); Petrus and U.S. Patent Publication 2002/0061005 to *Lee, et al.* (hereinafter "Lee").

By the above amendments to the claims, the Applicants have canceled Claims 9, 22 and 28-31. Accordingly, the Applicants respectfully request that the § 103 rejection of Claims 22 and 28-31 be withdrawn.

III. ALLOWABLE SUBJECT MATTER

The Applicant thanks the examiner for allowing Claims 6, 10, 11, 13-21 and 23-27.

Claims 3-5 and 8 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As suggested, the Applicants have rewritten Claim 3 in independent form including all of the limitations of base Claim 28 and respectfully request that the objection to Claims 3-5 and 8 be withdrawn.

IV. CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining Claims in the Application are in condition for allowance, and respectfully request an early allowance of such Claims.

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PATENT

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at rmccutcheon@munckcarter.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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